

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION AT MEMPHIS**

MONTERRIOUS HARRIS,

Plaintiff,

v.

**CITY OF MEMPHIS, EMMITT
MARTIN III, DESMOND MILLS, JR.,
JUSTIN SMITH, DEMETRIUS HALEY,
TADARRIUS BEAN, and JOHN DOES 1-
4, INDIVIDUALLY, AND IN THEIR
OFFICIAL CAPACITIES AS CITY OF
MEMPHIS LAW ENFORCEMENT
OFFICERS,**

Defendants.

Case No.: 2:23-cv-2058-JTF-tmp

MOTION TO DISMISS OF DEFENDANT CITY OF MEMPHIS

Defendant City of Memphis (“City”), by and through counsel, pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, hereby moves to dismiss Plaintiff Monterrious Harris’s Complaint for Damages and for Deprivation of Constitutional Rights for failure to state a claim upon which relief can be granted. In support of its Motion, the City relies on its accompanying Memorandum in Support.

Dated: March 2, 2023

Respectfully Submitted,

**BAKER DONELSON BEARMAN
CALDWELL & BERKOWITZ, P.C.**

s/ Bruce McMullen

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CERTIFICATE OF SERVICE

I, Bruce McMullen, hereby certify that on March 2, 2023, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, and that upon filing, such system will serve a copy of the foregoing upon all counsel of record in this action.

s/ Bruce McMullen

Bruce McMullen